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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,100	11/07/2001	Kenji Kaido	100809-00054(SCEY 19.115)	3012
26304	7590	03/15/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			MARKS, CHRISTINA M	
			ART UNIT	PAPER NUMBER
			3713	10
DATE MAILED: 03/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/036,100	11/07/2001	Kenji	00809-00054 (SCEV 19.115)

EXAMINER
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MARXS, C.

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Commissioner for Patents

See attached detailed action.

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## **DETAILED ACTION**

### ***Drawings***

The Examiner thanks the applicant's for submission of the new drawings to aid in showing the passing rate of time. However, it appears the drawings contain new matter as the distances and speeds were not previously disclosed. The Examiner invites the applicant to point out by page and line number the disclosure in the original specification that would provide adequate support for these additions if it does exist.

### ***Specification***

The newly added subject matter in the specification does not appear to be supported by the original disclosure. The Examiner invites the applicant to point out by page and line number the disclosure in the original specification that would provide adequate support for all specification addition if it does exist.

The objection to the abstract has been withdrawn due to the amendment filed which corrects the noted deficiencies.

### ***Election/Restrictions***

37 C.F.R. §1.145 reads that if, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the amendment is entered, subject to reconsideration and review as provided in §1.143 and §1.144.

Newly submitted claims 1-25 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original claims for which an action

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was received are drawn towards changing a passing rate of time in space while the newly presented claims are drawn towards constructing a viewpoint in virtual space and a character objected controlled by a predetermined operation terminal wherein the rate of time is directed to the character object and displacement of the character object among frames in a coordinate system occurs. These limitations are distinct from and independent of the invention as previously claimed. Further in support, claims originally directed to changing a passing rate of time are now directed towards character objects and viewpoints, which is a totally different field of search and consideration.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-25 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Further, the amendment filed on 08 January 2004 amended all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention for the reasons detailed above.


Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

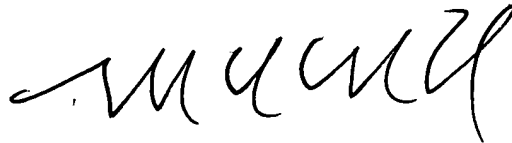
Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Marks whose telephone number is (703)-305-7497. The examiner can normally be reached on Monday - Thursday (7:30AM - 5:30 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa J Walberg can be reached on (703)-308-1327. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
cmm  
March 11, 2004



**MICHAEL O'NEILL**  
**PRIMARY EXAMINER**